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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,343	04/30/1999	MOHAMED ANISUR RAHMAN	RAHMAN-6	8223

7590 06/13/2002

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NGO, RICKY QUOC

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/303,343	RAHMAN, MOHAMED ANISUR
	Examiner	Art Unit
	Ricky Ngo	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 April 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 and 12 is/are rejected.

7) Claim(s) 8-11 and 13 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 4/1/02 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u>	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This communication is in response to the applicant's response filed 4/1/02. The proposed drawing changes for Figs. 1 and 2 are approved. All references cited in the IDS resubmitted on 4/1/02 have been considered. Claims 1-13 are currently pending. Detailed action is followed:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-7 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nevo et al. (US Patent No. 6,320,873.

- Regarding claim 1-7 and 12, Novo et al disclose a CDMA transmission of packet switched data from a mobile station to a GSM network, which is also found anticipating all the claimed limitations such as data communicating between a wireless unit (40 of Fig. 3) and a packet data network (PDN 48 of Fig. 3) via at least one base station and a base station controller (BSC), wherein data communication over a packet switched link (e.g. when the mobile uses a

wireless uplink channel for transmission of data, see Fig. 4) are established by sending a setup packet over a circuit switched link (e.g. over the Um interface which known as circuit-switched link, see Figs. 2A & 4 in conjunction with col. 1: lines 54-55, col. 5: lines 50-54, & col. 6: lines 14-15, 40-42).

Allowable Subject Matter

4. Claims 8-11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 4/1/02 have been fully considered but they are not persuasive.

- Applicant mainly argues that Nevo et al. fail to teach using a circuit switched link for setting up data session between the wireless unit and the base station. Examiner respectfully disagrees. As further addressed in the rejection statement, numerous places in the reference (Figs. 2A & 4 in conjunction with col. 1: lines 54-55, col. 5: lines 50-54, & col. 6: lines 14-15, 40-42) indicates the mobile unit sending data transmission request over an CDMA air interface or an Um interface which was known as circuit-switched link. Accordingly, for at least this reason, it is concluded Nevo et al. disclose this arguable feature.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Q. Ngo whose telephone number is **703-305-4798**. The examiner can normally be reached on MaxFlex Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on **703-305-4366**. The fax phone numbers for the organization where this application or proceeding is assigned are **703-872-9314** for regular communications and **703-308-6606** for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **703-305-3900**.



Ricky Ngo
Primary Examiner
Art Unit 2664

June 12, 2002